

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/719,319		
	<b>Examiner</b>	<b>Art Unit</b>	
	Lynda M Salvatore	1771	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/16/03.
2. ☒ The allowed claim(s) is/are 1,2 and 4-23.
3. ☒ The drawings filed on 11 December 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

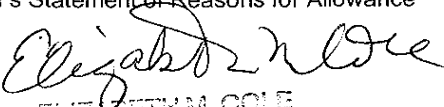
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1 <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____</li> <li>4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____</li> <li>7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9 <input type="checkbox"/> Other</li> </ol> |
|---|--|

  
 ELIZABETH M. COLE  
 PRIMARY EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Gerstenzang on November 24<sup>th</sup>, 2003.

#### **IN THE CLAIMS**

Claim 5: Insert the word "currently" before the word "amended" in the claim identifier on line 1 such that it reads: Claim 5 (currently amended).

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's request for continuing examination (RCE) filed October 16<sup>th</sup>, 2003 has been entered. Claims 1,2, and 4-23 are currently pending. Claims 1,4,5,9,10,12, and 22 have been amended and claim 3 has been canceled as requested. Applicant's amendments to claims 5 and 22 along with the cancellation of claim 3 is sufficient to overcome the 35 U.S.C. 112, second paragraph rejections set forth in sections 3-6 of the last Office Action. As such, these rejections are withdrawn. Applicant's amendment to claim 1 is found sufficient to overcome the claims rejected under 35 U.S.C. 102(a) as being anticipated by Himmelsbach et al., EP 0 826 380 A2 as set forth in section 8 of the last Office Action. As such, these rejections are withdrawn. Applicant's amendments and accompanying remarks are found to patently distinguish claims 1,2, and 4-23 over the prior art of record for reasons set forth herein below.

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance: 1,2, and 4-23.

Applicant amended claim 1 to recite "a plurality of individual discrete domes or a plurality of individual discrete polygeometric structural forms", and further included the limitation of deforming at least some of the domes, polygeometric structural forms or at least some of each "sufficiently to cause them to contact and become attached to other domes or polygeometric forms or both, while substantially retaining the character of all of said domes and polygeometric forms as individual discrete domes or polygeometric shapes". The prior art of Himmelsbach et al., EP 0 826 380 A2 fails to teach or fairly suggest such limitations. Specifically, Himmelsbach et al., teaches applying to a backing material a partial coating of a

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pressure sensitive hot melt adhesive. The pressure sensitive adhesive may be applied in the form of polygeometric domes. Himmelsbach et al., teaches that the adhesive may be applied uniformly over the backing material or the coated backing material may be subjected to calendaring however, there is no suggestion that said domes are deformed such that they retain shape. Thus, amended claim 1, and dependent claims 2 and 4-23 are now found patentably distinguishable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

November 10, 2003

ls

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700